

MANDATE

04-40076
USDC/MA
Judge Young

**United States Court of Appeals
For the First Circuit**

No. 04-1805

ALFREDO SATO AVITIA

Petitioner - Appellant

v.

DAVID L. WINN; UNITED STATES

Respondents - Appellees

JUDGMENT

Entered: March 15, 2005

By notice issued January 6, 2005, January 26, 2005 and February 14, 2005, appellant was notified that he was in default for failure to file an opening brief. Appellant was warned that unless he filed a brief by February 28, 2005, his appeal would be dismissed for lack of diligent prosecution.

Appellant having failed to file a brief, it is hereby ordered that the above-captioned appeal be dismissed in accordance with Loc. R. 45(a) and 3(b).

By the Court:
Richard Cushing Donovan, Clerk

Certified and Issued as Mandate
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk


Deputy Clerk

Date: 5-6-05

By: _____
Operations Manager

[cc: Alfredo Sato Avitia, Michael J. Sullivan, Esq. and Dina Michael Chaitowitz,
Esq.]